

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

PAUL SWISHER,

Plaintiff,

v.

LISA COLOGNA, et al.,

Defendants.

Case No. 2:15-cv-01138-MMD-GWF

ORDER

On January 19, 2016, the Court issued an Order granting Plaintiff's counsel's motion to withdraw and directed Plaintiff to advise the Court by February 2, 2016 if he will retain new counsel. (ECF No. 54.) Plaintiff's counsel had represented that they had difficulty communicating with him since his release from prison. (ECF No. 51 at 2.) The Court has experienced similar communication difficulty with Plaintiff. The Order granting Plaintiff's counsel's motion to withdraw, along with subsequent mail from the Court, were returned as undeliverable. (ECF Nos. 62, 63, 64, 66, 72, 73.) These documents were subsequently re-sent to Plaintiff at the address identified on one of defendants' certificate of service attached to a joinder (ECF No. 70). It is not clear whether the address is correct. The documents sent have not been returned as undeliverable, but Plaintiff has not filed any documents since his counsel withdrew.

Plaintiff has failed to comply with the Court's Order directing him to notify the Court of whether he intends to represent himself or retain counsel to prosecute this action. (ECF No. 54.) Plaintiff has also failed to comply with LR IA 3-1, which requires a party representing himself to "immediately file with the court written notification of any

1 change of address.” LR IA 3-1 further provides that a party’s failure to comply may
2 result in dismissal of the action.

3 Plaintiff is therefore ordered to show cause why the Court should not dismiss this
4 action for Plaintiff’s failure to comply with the Court’s Order to notify the Court of
5 whether he intends to retain new counsel to represent him and to comply with LR IA 3-1
6 by notifying the Court of any change of address. Plaintiff will have until September 22,
7 2016 to respond to this Order. Failure to respond will result in dismissal of this action.

8 There are several pending motions before the Court which are all unopposed.
9 Plaintiff will have until September 22, 2016 to respond to the pending motions for
10 summary judgment. (ECF Nos. 67, 75, 77, 79, 80.) The parties who filed motions to
11 dismiss have filed motions for summary judgment. The Court will address the motions
12 for summary judgment instead of the motions to dismiss should Plaintiff comply with this
13 Order.

14 It is therefore ordered that the pending motions to dismiss (ECF Nos. 56, 59) are
15 denied without prejudice.

16 DATED THIS 29th day of August 2016.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE